

**Proposed Substitute
Bill No. 6283**

LCO No. 5942

**AN ACT REGULATING ELECTRONIC NICOTINE DELIVERY
SYSTEMS, VAPOR PRODUCTS AND LIQUID NICOTINE
CONTAINERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this section
2 and sections 2 and 3 of this act:

3 (1) "Child care facility" means a provider of child day care services
4 as defined in section 19a-77 of the general statutes, or a person or
5 entity required to be licensed under section 17a-145 of the general
6 statutes;

7 (2) "Electronic nicotine delivery system" means an electronic device
8 that may be used to simulate smoking in the delivery of nicotine or
9 other substance to a person inhaling from the device, and includes, but
10 is not limited to, an electronic cigarette, electronic cigar, electronic
11 cigarillo, electronic pipe or electronic hookah and any related device
12 and any cartridge or other component of such device;

13 (3) "Liquid nicotine container" means a container that holds a liquid
14 substance containing nicotine that is sold, marketed or intended for
15 use in an electronic nicotine delivery system or vapor product, except
16 "liquid nicotine container" does not include such a container that is

17 prefilled and sealed by the manufacturer and not intended to be
18 opened by the consumer; and

19 (4) "Vapor product" means any product that employs a heating
20 element, power source, electronic circuit or other electronic, chemical
21 or mechanical means, regardless of shape or size, to produce a vapor
22 that may or may not include nicotine, that is inhaled by the user of
23 such product.

24 (b) (1) No person shall use an electronic nicotine delivery system or
25 vapor product: (A) In any building or portion of a building owned and
26 operated or leased and operated by the state or any political
27 subdivision thereof; (B) in any area of a health care institution; (C) in
28 any area of a retail food store; (D) in any restaurant; (E) in any area of
29 an establishment with a permit issued for the sale of alcoholic liquor
30 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
31 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f of the
32 general statutes, in any area of establishment with a permit issued for
33 the sale of alcoholic liquor pursuant to section 30-23 of the general
34 statutes issued after May 1, 2003, or the bar area of a bowling
35 establishment holding a permit pursuant to subsection (a) of section
36 30-37c of the general statutes; (F) within a school building while school
37 is in session or student activities are being conducted; (G) within a
38 child care facility, except if provided when the child care facility is a
39 family day care home as defined in section 19a-77, such use is
40 prohibited only when a child enrolled in such home is present; (H) in
41 any passenger elevator, provided no person shall be arrested for
42 violating this subsection unless there is posted in such elevator a sign
43 which indicates that such use is prohibited by state law; (I) in any
44 dormitory in any public or private institution of higher education; or
45 (J) in any area of a dog race track or a facility equipped with screens for
46 the simulcasting of off-track betting race programs or jai alai games.
47 For purposes of this subsection, "restaurant" means space, in a suitable
48 and permanent building, kept, used, maintained, advertised and held
49 out to the public to be a place where meals are regularly served to the
50 public.

51 (2) This section shall not apply to (A) correctional facilities; (B)
52 designated smoking areas in psychiatric facilities; (C) public housing
53 projects, as defined in subsection (b) of section 21a-278a of the general
54 statutes; (D) classrooms where a demonstration of the use of an
55 electronic nicotine delivery system or vapor product is taking place as
56 part of a medical or scientific experiment or lesson; (E) smoking rooms
57 provided by employers for employees, pursuant to section 31-40q of
58 the general statutes; (F) notwithstanding the provisions of
59 subparagraph (E) of subdivision (1) of this subsection, the outdoor
60 portion of the premises of any permittee listed in subparagraph (E) of
61 subdivision (1) of this subsection, provided, in the case of any seating
62 area maintained for the service of food, at least seventy-five per cent of
63 the outdoor seating capacity is an area in which smoking is prohibited
64 and which is clearly designated with written signage as a nonsmoking
65 area, except that any temporary seating area established for special
66 events and not used on a regular basis shall not be subject to the
67 prohibition on the use of an electronic nicotine delivery system or
68 vapor product or the signage requirements of this subparagraph; or
69 (G) any tobacco bar, provided no tobacco bar shall expand in size or
70 change its location from its size or location as of October 1, 2015. For
71 purposes of this subdivision, "outdoor" means an area which has no
72 roof or other ceiling enclosure, "tobacco bar" means an establishment
73 with a permit for the sale of alcoholic liquor to consumers issued
74 pursuant to chapter 545 of the general statutes that, in the calendar
75 year ending December 31, 2015, generated ten per cent or more of its
76 total annual gross income from the on-site sale of tobacco products and
77 the rental of on-site humidors, and "tobacco product" means any
78 substance that contains tobacco, including, but not limited to,
79 cigarettes, cigars, pipe tobacco or chewing tobacco.

80 (c) The operator of a hotel, motel or similar lodging may allow
81 guests to use an electronic nicotine delivery system or vapor product
82 in not more than twenty-five per cent of the rooms offered as
83 accommodations to guests.

84 (d) In each room, elevator, area or building in which the use of an

85 electronic nicotine delivery system or vapor product is prohibited by
86 this section, the person in control of the premises shall post or cause to
87 be posted in a conspicuous place signs stating that such use is
88 prohibited by state law. Such signs, except in elevators, restaurants,
89 establishments with permits to sell alcoholic liquor to consumers
90 issued pursuant to chapter 545 of the general statutes, hotels, motels or
91 similar lodgings, and health care institutions, shall have letters at least
92 four inches high with the principal strokes of letters not less than one-
93 half inch wide.

94 (e) Any person found guilty of using an electronic nicotine delivery
95 system or vapor product in violation of this section, failure to post
96 signs as required by this section or the unauthorized removal of such
97 signs shall have committed an infraction.

98 (f) Nothing in this section shall be construed to require the
99 designation of any area for the use of electronic nicotine delivery
100 system or vapor product in any building.

101 (g) The provisions of this section shall supersede and preempt the
102 provisions of any municipal law or ordinance relative to the use of an
103 electronic nicotine delivery system or vapor product effective prior to,
104 on or after October 1, 2015.

105 (h) The Department of Public Health shall adopt regulations, in
106 accordance with chapter 54 of the general statutes, to implement the
107 provisions of this section.

108 Sec. 2. (NEW) (*Effective October 1, 2015*) Any liquid nicotine
109 container that is sold at retail in this state shall satisfy the child-
110 resistant effectiveness specifications set forth in 16 CFR 1700.15(b), as
111 in effect on October 1, 2015.

112 Sec. 3. (*Effective October 1, 2015*) Not later than thirty days after the
113 federal Food and Drug Administration's proposed rule regarding
114 tobacco products deemed to be subject to the federal Food, Drug and
115 Cosmetic Act, 21 CFR Parts 1100, 1140 and 1143, becomes final, the

116 joint standing committee of the General Assembly having cognizance
117 of matters relating to public health shall hold a public hearing for
118 purposes of reviewing such rule and determining whether it
119 recommends legislation concerning products, including, but not
120 limited to, electronic nicotine delivery systems, vapor products and
121 liquid nicotine containers, in response to such rule.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section